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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,507	10/10/2006	German Spangenberg	FREE.P-006	4691
57381	7590	09/22/2010	EXAMINER	
Larson & Anderson, LLC	P.O. BOX 4928	DILLON, CO 80435	PAK, YONG D	
			ART UNIT	PAPER NUMBER
			1652	
			MAIL DATE	DELIVERY MODE
			09/22/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	10/553,507	SPANGENBERG ET AL.	
	Examiner	Art Unit	
	YONG D. PAK	1652	

All Participants:

(1) YONG D. PAK.

Status of Application: _____

(3) _____.

(2) Marina Larson.

(4) _____.

Date of Interview: 20 September 2010

Time: 2:15 pm

Type of Interview:

Telephonic
 Video Conference
 Personal (Copy given to: Applicant Applicant's representative)

Exhibit Shown or Demonstrated: Yes No

If Yes, provide a brief description: _____.

Part I.

Rejection(s) discussed:

Claims discussed:

30, 33 and 35

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
 It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Yong D Pak/
 Primary Examiner, Art Unit 1652

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: In response to the After Final amendment filed on September 13, 2010, Examiner proposed allowing claim 30 and amending the phrase "wherein said functionally active variants have the ability to modify malate dehydrogenase activity in a plant" to "wherein said functionally active variants have malate dehydrogenase activity" in claims 30 and 35. However, Ms. Larson disagreed because the polynucleotide of (b) and (c) do not encode malate dehydrogenases. (Examiner notes that because amendment of said phrase could not be agreed upon, amendment of other claims was not discussed). Examiner proposed amending "functionally active variants" with the above proposed amendment to only the polynucleotide of (a) since variants of the polynucleotides of (b) or (c) as currently written in the After Final amendment would warrant new rejections. However, Ms. Larson disagreed. Therefore, Examiner noted that an Advisory Action would be mailed in response to the After Final amendment for recitation of the above "functionally active" variants. Ms. Larson argued that said new limitation would not necessitate a new ground of rejection(s) and would file an Appeal.